

### REMARKS

Claims 1-20 are in this application and are presented for consideration. By this amendment, Applicant has amended claims 1, 10, 11, 16 and 17. New dependent claims 18-20 have been added.

Claims 10, 11, 13 and 16 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended the claims paying close attention to the Examiner's remarks. It is Applicant's position that the claims as now presented are clear and fully satisfy the requirements of the statute.

Claims 1-9, 12 and 14-17 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kamide (U.S. 2002/0039527).

The present invention relates to a storage and retrieval unit for transporting goods from or into a shelf in a commissioning system. The unit comprises a vertical mast. A longitudinal drive is connected to the mast for longitudinal displacement and longitudinal positioning of the vertical mast at a site of operation of the shelf on the shelf front or the shelf rear. A height-adjustable goods receiver is provided at the vertical mast. The vertical mast comprises an articulated mast with a joint and a guide/readjusting device with articulated rods including an articulated oscillating crank. The articulated mast is pivotable about the joint, which makes possible a deflection of the articulated mast in the direction of longitudinal displacement. The articulated oscillating crank is pivotable about a horizontal axis thereof such that the articulated

oscillating crank moves the articulated mast into a normal position when the articulated mast is deflected from the normal position. This advantageously provides a storage retrieval unit that can be simply controlled so that the unit is stable at all times during movement, even when the unit is carrying a load. This significantly reduces the chances of any goods from being damaged or destroyed during transport. The prior art as a whole fails to disclose such features or such effective stabilization advantages.

Kamide discloses a stacker crane having a lower cart 4 and an upper cart 5. The lower cart 4 runs along a lower rail 6 laid on a floor face and the upper cart 5 runs along an upper rail 7 laid on a ceiling. Running motors 8, 9 are employed to each of the carts 4, 5. A truss structured mast 10 connects the lower cart 4 and the upper cart 5. The lower edge of the mast 10 is attached to the lower cart 4 by a pin 22. The mast 10 is capable of swinging in the running direction to the lower cart 4. The swinging range of the mast 10 is limited by limiters 24, 25 employed in the lower cart 4. The upper part of the mast 10 is attached to a vertical moving plate 26 employed in the mast 10, and the tip of a spring 28 and a damper 29 employed in the upper cart 5 are attached capable of swinging vertically against the vertical moving plate 26. The vertical moving plate 26 is contacted only against the spring 28 and the damper 29. The vertical moving plate 26 is capable of swinging in the running direction to the upper cart 5. The spring 28 and the damper 29 damp the vibration resulting from the displacement, in the case the displacement of the upper cart 5 and the lower cart 4 occurs along the running direction.

Kamide fails to teach or suggest the combination of an articulated oscillating crank that

is pivotable about a horizontal axis such that the articulated oscillating crank guides the articulated mast from a deflected position to a normal position. The Office Action takes the position that the damper 29 of Kamide is the equivalent of the articulated oscillating crank of the present invention. Applicant respectfully disagrees with this interpretation of Kamide. The damper 29 of Kamide fails to guide the mast 10 from a deflected position to a normal position and fails to pivot about a horizontal axis as featured in the present invention. Instead of providing any guiding features as claimed, the damper 29 of Kamide merely damps out vibration that results from displacing the carts 4, 5. This is a completely different approach than that of the present invention. Compared with Kamide, the mast has an articulated oscillating crank that moves the mast into a normal position when the mast is in a deflected position. The articulated oscillating crank advantageously maintains the mast in an upright position so that the goods carried thereon are always stable so that the goods do not fall off the unit, even during transport. This is critical during acceleration and deceleration of the storage and retrieval unit due to the forces exerted on the unit during starting and stopping of the unit. Kamide fails to provide such stabilization advantages since the spring 28 and the damper 29 merely dampen the vibrations caused by movement of the carts 4, 5, but fail to move or change the position of the mast 10 as featured in the present invention. As such, the prior art as a whole takes a different approach and fails to teach or suggest each and every feature of the claimed combination. Accordingly, Applicant respectfully requests that the Examiner favorably consider claims 1, 16 and 17 as now presented and all claims that respectively depend thereon.

Claims 10, 11 and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kamide in view of Dahm (U.S. 4,217,530).

As previously discussed above, Kamide fails to teach or suggest an articulated oscillating crank as claimed. Dahm also fails to provide any teaching or suggestion for an articulated oscillating crank that is pivotable about a horizontal axis wherein the crank controls an angular position of a mast as featured in the present invention. Dahm merely discloses a rigid column 33 on which an article retrieving means is moved. However, Dahm fails to disclose that an articulated oscillating crank moves the rigid column 33 from a deflected position to a normal position as claimed. As such, the prior art as a whole takes a different approach and fails to establish a prima facie case of obviousness as the prior art as a whole does not teach or suggest important features of the claimed combination. Accordingly, all claims define over the prior art as a whole.

Favorable consideration on the merits is requested.

Respectfully submitted  
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